

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Apr 04, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MICHELLE VIDALES, an individual,

Plaintiff,

v.

LUMIO HX, INC., a Utah Company,
PAUL RHOTON, in his individual and
corporate capacity and the marital
community thereof,

Defendants.

NO: 4:23-CV-5006-SAB

NOTICE SETTING SCHEDULING
CONFERENCE

A. Scheduling Conference – By Video

HEARING DATE: MAY 2, 2023 at 9:30 a.m.

PLEASE TAKE NOTICE that a video scheduling conference will be held on the date and time noted above. Counsel and pro se parties will be provided with separate call-in details by email from the Court's staff. The email will be sent one week before the hearing.

B. The provisions of Fed. R. Civ. P. 26 apply. The parties shall confer at least **fourteen (14) days** in advance of the scheduling conference and shall be prepared to discuss at the scheduling conference the following issues:

1. Whether service is complete and, if not, the expected date of completion;
2. Whether jurisdiction, venue, and standing are proper;
3. Whether the parties consent for this matter to be tried before a magistrate judge;
4. The nature and basis of their claims (brief summary);
5. A preferred trial date and estimated length of trial;
6. Anticipated motions;
7. Arrangement for the disclosures required under Fed. R. Civ. P. 26(a)(1);
8. A proposed Discovery Plan as discussed in Fed. R. Civ. P. 26(f). This plan shall include the disclosures required under Rule 26(a)(1) and shall also include a time and platform agreed upon for the exchange of e-discovery, if any;
9. Whether class certification is alleged. The parties shall include a suggested cut-off date as outlined in Local Rule 23.1;
10. Whether the case involves a beneficial interest claim of a minor or incompetent that requires appointment of a Guardian ad litem;
11. The appropriateness of special procedures such as consolidation of actions for discovery or pretrial, reference to a master or magistrate, to arbitration, to the Judicial Panel on Multi-district

Litigation, or application of the procedures included in the Manual for Complex Litigation;

12. Modification of the standard procedures due to the relative simplicity or complexity of the action or proceeding;

13. Feasibility of bifurcation, or otherwise structuring sequence of the trial;

14. Whether there will be a point in the litigation when the parties can conduct meaningful settlement discussions or participation in another form of alternative dispute resolution;

15. Identification of any issues that should be certified to the state Supreme Court; and

16. Any other matters which may be conducive to the just, efficient, and economical determination of the action or proceeding, including the definition or limitation of issues.

C. On or before April 24, 2023, the parties shall file the following:

1. **Consent Form:** The parties shall complete the attached [Consent Form](#) and return it to the Clerk of the Court, as instructed, advising whether the parties consent to this case being tried by a United States Magistrate Judge. See 28 U.S.C. § 636 as amended;

2. **Statement Identifying Corporate Information:** Any non-governmental corporate party to this action shall file a statement identifying

all its parent corporations and listing any publicly held company that owns 10% or more of the party's stock. Counsel have an ongoing responsibility to supplement this information;

3. **Joint Status Report (Fed. R. Civ. P. 26(f)):** The parties shall file a Joint Status Report (or separate reports if necessary), reflecting the results of their conference and the parties' position with respect to **each subject outlined in section B** of this Notice.

4. The following deadline dates will be outlined in an Order after the status conference. Be prepared to discuss these deadlines if there are any changes.

Simultaneous expert disclosures	230 days before trial
Rebuttal expert disclosures	200 days before trial
Motion to Amend/Add Parties	210 days before trial
Daubert motions	192 days before trial
Discovery cutoff	140 days before trial
Dispositive motions	132 days before trial
Hearing Request re deposition designations	42 days before trial
Cross designations	28 days before trial
Objections to designations	21 days before trial
Exhibit/Witness lists	35 days before trial
Objections Exhibit/Witness lists	28 days before trial
Response to Exhibit/Witness objections	21 days before trial
Motions in Limine	42 days before trial
Response to Motions in Limine	36 days before trial
Replies to Motions in Limine	28 days before trial

Pretrial Order	21 days before trial
Trial Briefs, voir dire	25 days before trial
Jury Instructions (Agreed/Disputed)	25 days before trial
Memo object to disputed Jury Instructions	25 days before trial
Pretrial Conference/Motion in Limine Hrg	14 days before trial

Counsel are expected to comply with the spirit of Rule 26 and seek to minimize the time and expense of discovery.

DATED April 4, 2023.

SEAN F. McAVOY
DISTRICT COURT CLERK

s/Michelle M. Fox
MICHELLE M. FOX
Deputy Clerk